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4
5 UNITED STATES DISTRICT COURT
6 DISTRICT OF ARIZONA
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8 United States of America,

9 Plaintiff,

10 v.

11 Marcos Uriel Ontiveros-Hernandez,

12 Defendant.
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MAGISTRATE NO. 08-0158M

Order Re: Extending Time to Indict

14 HAVING considered Defendant's Motion to Extend Time and good cause having been shown;

15 THE COURT makes the following findings:

- 16 1. Counsel for defendant has only recently been appointed;
- 17 2. The defendant wishes to investigate possible defenses prior to considering the
- 18 government's plea offer;
- 19 3. The government's has offered a plea agreement which will be lost if not accepted before
- 20 the defendant is indicted.
- 21 4. If the defendant is indicted on this matter the offer if any shall likely be less
- 22 advantageous to the defendant;
- 23 5. Failure to extend time for indictment in this instance would thus operate to bar defendant
- 24 from reviewing the government's pre indictment plea offer when extended.
- 25 6. The ends of justice served by this continuance outweigh the best interest of the public
- 26 and the defendant in a speedy indictment.

27 The Court therefore concludes that the ends of justice are best served by

28 granting an extension of time to present the case to the grand jury and in excluding a period

of thirty (30) days under the Speedy Trial Act. In making this determination, the Court has

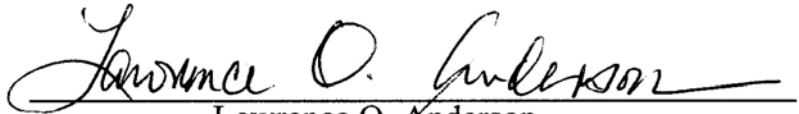
particularly taken into account that the failure to grant the Defendant's request "would deny

1 counsel for the defendant . . . the reasonable time necessary for effective preparation, taking
2 into account the exercise of due diligence." 18 U.S.C. § 3161(h)(8)(B)(iv).

3 **IT IS HEREBY ORDERED** that defendant's Motion to Extend Time for
4 Indictment requesting an extension of thirty (30) days within the government may seek to
5 indict defendant, is hereby granted.

6 **IT IS FURTHER ORDERED** that pursuant to the Speedy Trial Act, 18
7 U.S.C. § 3161, the Government shall have an extension of thirty (30) days to file a timely
8 Indictment. Excludable time shall begin to run on the 31st day after arrest for a period of
9 thirty (30) days in which the Government may present the case to the grand jury.

10 DATED this 2nd day of June, 2008.

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12 Lawrence O. Anderson
13 United States Magistrate Judge
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